

The Honorable John C. Coughenour

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

NORTHWEST GROCERY  
ASSOCIATION, an Oregon non-profit  
organization, the WASHINGTON FOOD  
INDUSTRY ASSOCIATION, a  
Washington non-profit corporation,

Plaintiffs,

v.

CITY OF SEATTLE, a charter municipality,

Defendant.

No. 2:21-cv-00142-JCC

DECLARATION OF STEPHEN MULLEN  
IN SUPORT OF PLAINTIFFS' MOTION  
FOR PRELIMINARY INJUNCTION

I, Stephen Mullen, declare and state as follows:

1. I am the Owner and Operator of the Grocery Outlet located at 1126 Martin Luther King Jr. Way, in Seattle, Washington, known as the Madrona Grocery Outlet, Inc. I have held this position for approximately fifteen years, and am competent to make this declaration based on my personal knowledge and information I have learned through my position.

2. Grocery Outlet stores are grocery stores that offer discounted, overstocked, and closeout products from name brand and private label suppliers, as well as fresh bread, meat, and dairy. Our stores are small relative to others in our industry, but just over the 10,000 square foot minimum listed as a qualifying store. The Madrona Grocery Outlet is about 13,800 square feet. Other Grocery Outlets are of similar size. Grocery Outlets have a unique business model, but I

DECLARATION OF STEPHEN MULLEN IN SUPPORT OF PLAINTIFFS'  
MOTION FOR PRELIMINARY INJUNCTION - 1  
(2:21cv-00142-JCC)

sf-4427192

STOEL RIVES LLP  
ATTORNEYS  
600 University Street, Suite 3600, Seattle, WA 98101  
Telephone 206.624.0900

1 understand that it would be subject to the Seattle Hazard Pay for Grocery Employees Ordinance  
2 (the "Ordinance").

3 3. I have evaluated the impact of the ordinance on the Madrona Grocery Outlet  
4 Store on a weekly and monthly basis. The hazard pay increase of four dollars will cost the  
5 Madrona Grocery Outlet Store an additional \$20,000 per month in labor costs. The store does not  
6 make that much on a monthly basis and will push the store into a significant deficit.

7 4. As I understand it, stores cannot reduce employee compensation because of the  
8 increased costs imposed by the Ordinance. I cannot continue to operate a store that is  
9 consistently unprofitable. If losses occur as predicted, I will likely be forced to close the  
10 Madrona Grocery Outlet Store.

11 5. I declare under penalty of perjury under the laws of the State of Washington that  
12 the foregoing is true and correct.

13  
14 SIGNED this 11th day of February, 2021.

DocuSigned by:

Stephen Mullen

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DECLARATION OF STEPHEN MULLEN IN SUPPORT OF PLAINTIFFS'  
MOTION FOR PRELIMINARY INJUNCTION - 2  
(2:21cv-00142-JCC)

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1 **CERTIFICATE OF SERVICE**

2 I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address  
3 is 425 Market Street, San Francisco, California 94105-2482. I am not a party to the within  
4 cause, and I am over the age of eighteen years.

5 I further declare that on February 11, 2021, I served a copy of:

6 **DECLARATION OF STEPHEN MULLEN IN SUPORT OF**  
7 **PLAINTIFFS' MOTION FOR PRELIMINARY**  
8 **INJUNCTION**

9 **BY ELECTRONIC SERVICE [Fed. Rule Civ. Proc. rule 5(b)]** by electronically  
10 mailing a true and correct copy through Morrison & Foerster LLP's electronic mail  
11 system to the e-mail address(es) set forth below, or as stated on the attached service  
list per agreement in accordance with Federal Rules of Civil Procedure rule 5(b).

12 City of Seattle  
13 Monica Martinez Simmons, MMC  
14 City Clerk  
15 600 4th Ave., 3rd Floor  
Seattle, Washington 98104  
[LAW\\_Service@seattle.gov](mailto:LAW_Service@seattle.gov)

16 I declare under penalty of perjury that the foregoing is true and correct.

17 Executed at Chicago, Illinois, this 11th day of February, 2021.  
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21 Kristin M. Marttila  
(typed)

/s/ Kristin M. Marttila  
(signature)

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DECLARATION OF STEVEN MULLEN IN SUPPORT OF PLAINTIFFS'  
MOTION FOR PRELIMINARY INJUNCTION - 3  
(2:21cv-00142-JCC)